

SENATE, No. 1739

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Senator JAMES BEACH

District 6 (Burlington and Camden)

Co-Sponsored by:

Senators A.M.Bucco, Pou, O'Scanlon and Diegnan

SYNOPSIS

Establishes "Electronic Permit Processing Review System."

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/12/2020)

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1 AN ACT establishing a State online electronic building permit
2 review and inspection scheduling system, and supplementing and
3 amending P.L.1975, c.217, and amending P.L.2005, c.212, and
4 P.L.1979, c.121.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State
7 of New Jersey:

8

9 1. (New section) a. The Commissioner of Community Affairs
10 shall establish, develop, implement, and administer the "Electronic
11 Permit Processing Review System." This electronic system shall be
12 an Internet-based system allowing for the electronic submission of
13 applications for construction permits, plans, and specifications
14 pursuant to the "State Uniform Construction Code Act," P.L.1975,
15 c.217 (C.52:27D-119 et seq.), for the electronic review and
16 approval of applications, plans, and specifications, for the
17 scheduling of inspections, and for the exchange of information
18 between the applicant, the applicant's professionals, and the
19 department or enforcing agency during the review process. The
20 electronic system shall offer a permit applicant:

21 (1) the ability to submit the materials necessary for application
22 review;

23 (2) the ability to submit requests for on-site inspection of a
24 project; and

25 (3) continuous, 24-hour accessibility for the submission of both
26 scheduling requests, and the materials necessary for the permit
27 application review.

28 b. (1) Following the effective date of P.L. , c. (C.)
29 (pending before the Legislature as this bill), the commissioner may
30 make the electronic system accessible, and facilitate its use, through
31 the acceptance of application materials and scheduling submissions,
32 by:

33 (a) the department, with regard to applications for which the
34 department approves plans and specifications pursuant to the "State
35 Uniform Construction Code Act";

36 (b) local enforcing agencies; and

37 (c) private agencies providing plan review and inspection
38 services.

39 (2) Within one year following the effective date of P.L. ,
40 c. (C.) (pending before the Legislature as this bill), the
41 commissioner shall fully implement the electronic system, and
42 require its use, through the acceptance of application materials and
43 scheduling submissions, by:

44 (a) the department, with regard to applications for which the

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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1 department approves plans and specifications pursuant to the "State
2 Uniform Construction Code Act";

3 (b) local enforcing agencies; and

4 (c) private agencies providing plan review and inspection
5 services.

6 c. The commissioner shall provide training opportunities on the
7 use of the electronic system for employees of local enforcing
8 agencies and private agencies which provide plan review and
9 inspection services.

10 d. The commissioner shall, in accordance with the
11 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
12 seq.), adopt rules and regulations to govern the form and format of
13 applications for construction permits, plans, and specifications and
14 other information exchanged through the electronic system.
15 Notwithstanding the requirement, pursuant to subsection b. of this
16 section, to accept electronically submitted materials within one year
17 following the effective date of P.L. , c. (C.) (pending
18 before the Legislature as this bill), the commissioner shall have the
19 discretion to establish different submission requirements, including
20 non-electronic submissions as necessary, for large, complicated, or
21 otherwise unusual construction projects, so long as the system is
22 designed to accept approximately 80 percent of construction permit
23 application submissions electronically.

24 e. The department may waive a contrary form and format
25 requirement imposed by statute or ordinance or by the rules of
26 another department or agency for the submission of information in
27 physical form to the extent the waiver is necessary to facilitate the
28 submission of the information electronically. The department may
29 accept an electronic reproduction of a signature, stamp, seal,
30 certification, or notarization as the equivalent of the original or may
31 accept the substitution of identifying information for the signature,
32 stamp, seal, certification, or notarization. The department shall not
33 waive any other requirement.

34 f. The commissioner may adopt, amend, and repeal rules and
35 regulations providing for the charging of and setting the amount of
36 construction permit surcharge fees to be collected by an enforcing
37 agency or private agency and remitted to the department to defray
38 the cost of developing and administering the electronic system.

39 g. A person exchanging information through the electronic
40 system in a form and format acceptable to the department is not
41 subject to any licensing sanction, civil penalty, fine, permit
42 disapproval, or revocation or other sanction for failure to comply
43 with a form or format requirement imposed by statute, ordinance, or
44 rule for submission of the information in physical form, including
45 but not limited to any requirement that the information be in a
46 particular form or of a particular size, be submitted with multiple
47 copies, be physically attached to another document be an original
48 document or be signed, stamped, sealed, certified, or notarized.

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1 h. As used in this section, “form and format” means the
2 arrangement, organization, configuration, structure, or style of, or
3 method of delivery for, providing required information or providing
4 the substantive equivalent of required information. “Form and
5 format” does not mean altering the substance of information or the
6 addition or omission of information.

7
8 2. Section 3 of P.L.2005, c.212 (C.52:27D-124.3) is amended
9 to read as follows:

10 3. A proposal by a private agency to provide inspection or plan
11 review services to a municipality to administer the provisions of the
12 "State Uniform Construction Code Act," P.L.1975,
13 c.217 (C.52:27D-119 et seq.) shall be submitted in accordance with
14 and shall be subject to the bidding and other provisions of the
15 "Local Public Contracts Law," P.L.1971, c.198 (C.40A:11-1 et
16 seq.). A municipality shall require, as part of the bid specifications,
17 that a private agency participate in the “Electronic Permit
18 Processing Review System,” developed and implemented pursuant
19 to section 1 of P.L. , c. (C.) (pending before the Legislature
20 as this bill). A municipality shall require as part of the bid
21 specifications that a private agency submit a bid or proposal in
22 terms of a percentage of the costs charged by the department when
23 it serves as a local enforcement agency pursuant to section 10 of
24 P.L.1975, c.217 (C.52:27D-128). A municipality may include in
25 the fee charged by it for work done by private agencies an amount
26 sufficient to cover a proportionate share of administrative costs
27 incurred by the local enforcing agency in connection with
28 inspections performed by private agencies.
29 (cf: P.L.2005, c.212, s.3)

30
31 3. Section 3 of P.L.1979, c.121 (C.52:27D-126a) is amended to
32 read as follows:

33 3. Where the appointing authority of any municipality shall
34 appoint an enforcing agency and construction board of appeals
35 pursuant to section 8 of P.L.1975, c.217 (C.52:27D-126), the
36 municipal governing body by ordinance, in accordance with
37 standards established by the commissioner, shall set enforcing
38 agency fees for plan review, construction permit, certificate of
39 occupancy, demolition permit, moving of building permit, elevator
40 permit and sign permit, provided, however, that such fees shall not
41 exceed the annual costs for the operation of the enforcing agency.
42 For the three year period commencing with an enforcing agency’s
43 initial participation in the “Electronic Permit Processing Review
44 System,” developed and implemented pursuant to section 1 of
45 P.L. , c. (C.) (pending before the Legislature as this bill), the
46 municipal governing body may impose, and the enforcing agency
47 may collect, construction permit surcharge fees to defray the
48 enforcing agency’s startup costs related to offering electronic plan

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1 review and scheduling. Surcharge fees shall be established in
2 accordance with standards established by the commissioner.

3 (cf: P.L.1979, c.121, s.3)

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5 4. Section 12 of P.L.1975, c.217 (C.52:27D-130) is amended to
6 read as follows:

7 12. Except as otherwise provided by this act or in the code,
8 before construction or alteration of any building or structure, the
9 owner, or his agent, engineer or architect, shall submit an
10 application in writing, including signed and sealed drawings and
11 specifications, to the enforcing agency as defined in this act. When
12 an enforcing agency begins to participate in the “Electronic Permit
13 Processing Review System,” pursuant to section 1 of P.L. _____,
14 c. _____ (C. _____) (pending before the Legislature as this bill), the owner,
15 or his agent, engineer or architect, may submit applications and
16 scheduling requests electronically. The application shall be in
17 accordance with regulations established by the commissioner and
18 on a form or in a format prescribed by the commissioner and shall
19 be accompanied by payment of the fee to be established by the
20 municipal governing body by ordinance in accordance with
21 standards established by the commissioner. The application for a
22 construction permit shall be filed with the enforcing agency and
23 shall be a public record; and no application for a construction
24 permit shall be removed from the custody of the enforcing agency
25 after a construction permit has been issued. Nothing contained in
26 this paragraph shall be interpreted as preventing the imposition of
27 requirements in the code, for additional permits for particular kinds
28 of work, including but not limited to plumbing, electrical, elevator,
29 fire prevention equipment or boiler installation or repair work, or in
30 other defined situations.

31 Upon the transfer of ownership of property that is the subject of
32 a construction permit, and prior to beginning or continuing work
33 authorized by the construction permit, the new owner shall file with
34 the enforcing agency an application for a permit update to notify the
35 enforcing agency of the name and address of the new owner and of
36 all other changes to information previously submitted to the
37 enforcing agency. If the municipality has adopted an ordinance
38 requiring a successor developer to furnish a replacement
39 performance guarantee, and a performance guarantee has previously
40 been furnished in favor of the municipality to assure the installation
41 of on-tract improvements on the property that is the subject of an
42 application for a permit update for the purpose of notifying the
43 enforcing agency of the name and address of a new owner, the
44 enforcing agency shall not approve the application for a permit
45 update until it receives notification from the governing body or its
46 designee that the new owner has furnished an adequate replacement
47 performance guarantee.

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1 No permit shall be issued for a public school facility unless the
2 final plans and specifications have been first approved by the
3 Bureau of Facility Planning Services in the Department of
4 Education or a municipal code official who is appropriately licensed
5 by the Commissioner of Community Affairs for the type and level
6 of plans being reviewed. Approval by the Bureau of Facility
7 Planning Services in the Department of Education shall only be
8 required when a review for educational adequacy is necessary.
9 Requirements determining when a review for educational adequacy
10 is necessary shall be established jointly by the Department of
11 Community Affairs and the Department of Education. The
12 standards shall thereafter be adopted as part of the Uniform
13 Construction Code regulations by the Department of Community
14 Affairs. After the final plans and specifications have been approved
15 for educational adequacy by the Bureau of Facility Planning
16 Services in the Department of Education, a local board of education
17 may submit the final plans and specifications for code approval to
18 either the Bureau of Facility Planning Services in the Department of
19 Education or a municipal code official who is appropriately licensed
20 by the Commissioner of Community Affairs for the type and level
21 of plans being reviewed. The Bureau of Facility Planning Services
22 in the Department of Education when approving final plans and
23 specifications shall be responsible for insuring that the final plans
24 and specifications conform to the requirements of the code as well
25 as for insuring that they provide for an educationally adequate
26 facility. In carrying out its responsibility pursuant to the provisions
27 of this section the Department of Education shall employ persons
28 licensed by the Commissioner of Community Affairs for the type
29 and level of plans being reviewed.

30 (cf: P.L.2013, c.123, s.5)

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32 5. This act shall take effect immediately.

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STATEMENT

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37 This bill establishes the "Electronic Permit Processing Review
38 System," a web-based system allowing for the electronic
39 submission of applications for construction permits, plans, and
40 specifications pursuant to the "State Uniform Construction Code
41 Act," P.L.1975, c.217 (C.52:27D-119 et seq.), for the electronic
42 review and approval of applications, plans, and specifications, for
43 the scheduling of inspections, and for the exchange of information
44 between the applicant, the applicant's professionals, and the
45 department or enforcing agency during the review process. The
46 electronic system established by the bill would offer a permit
47 applicant:

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- 1 • the ability to submit the materials necessary for application
- 2 review;
- 3 • the ability to submit requests for on-site inspection of a
- 4 project; and
- 5 • continuous, 24-hour accessibility for these submissions.

6 The bill directs the Commissioner of Community Affairs to make
7 the electronic system accessible, and facilitate its use, through the
8 acceptance of application materials and scheduling submissions, by:

- 9 • the Department of Community Affairs itself with regard to
- 10 applications for which the department approves plans and
- 11 specifications pursuant to the "State Uniform Construction
- 12 Code Act";
- 13 • local enforcing agencies; and
- 14 • private agencies providing plan review and inspection
- 15 services.

16 The bill directs the commissioner to fully implement the
17 electronic system, and require its use by the parties discussed above
18 within one year of the effective date of the bill.

19 The bill requires the commissioner to provide training
20 opportunities on the use of the electronic system for employees of
21 local enforcing agencies and private agencies that provide plan
22 review and inspection services. The bill requires the commissioner
23 to adopt rules and regulations to govern the form and format of
24 applications for construction permits, plans, and specifications and
25 other information exchanged through the electronic system.

26 The bill allows the department to waive requirements in other
27 laws that require the submission of information in physical form to
28 the extent the waiver is necessary to facilitate the submission of the
29 information electronically. The bill allows the department to accept
30 an electronic reproduction of a signature, stamp, seal, certification,
31 or notarization as the equivalent of the original or to accept the
32 substitution of identifying information for the signature, stamp,
33 seal, certification, or notarization. However, the bill allows the
34 commissioner the discretion to establish different submission
35 requirements, including non-electronic submissions as necessary,
36 for large, complicated, or otherwise unusual construction projects,
37 so long as the system is designed to accept approximately 80
38 percent of application submissions electronically.

39 The bill holds a person harmless from any licensing sanction,
40 civil penalty, fine, permit disapproval or revocation or other
41 sanction for failure to comply with a form or format requirement
42 imposed by law for submission of the information in physical form
43 in order to facilitate the exchange of information through the
44 electronic system in a form and format acceptable to the
45 department.

46 The bill allows the department and local enforcing agencies to
47 establish permit surcharge fees to defray the cost of transitioning to
48 electronic plan review.